

In the United States Court of Federal Claims

No. 15-294C

(Filed October 23, 2024)

NOT FOR PUBLICATION

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J. CASARETTI, et al.,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

* * * * *

ORDER

Plaintiffs have filed a motion to reopen class certification to allow 226 additional current-or-former Federal Air Marshals to join the present class. *See* ECF No. 210 at 4. The Court initially certified the present class in May 2020. *See* ECF Nos. 91, 94. Plaintiffs’ counsel filed a revised notice of collective action on June 23, 2020. ECF No. 101. The opt-in window closed ninety days thereafter. *See* ECF No. 100.

“An order that grants or denies class certification may be altered or amended before final judgment.” Rule 23(c)(1)(C) of the Rules of the United States Court of Federal Claims (RCFC). The government “do[es] not object, in principle, to the plaintiffs’ request at this time.” ECF No. 212 at 1. Its non-opposition is based on the understanding that it can subsequently move to dismiss the claims of any of these prospective class members whose circumstances differ from that represented in the motion. *Id.* at 2. The Court is persuaded that it is appropriate in this instance to allow the identified 226 individuals to opt into the class by filing written consents after the deadline, avoiding the inefficiencies involved with the filing of a new case.

Accordingly, the motion is **GRANTED** and leave is hereby given plaintiffs to file the written consent forms of these 226 individuals, so that the latter may join the class in this case. The Court also draws plaintiffs’ attention to the relatively

new rule of our court, effective July 31, 2023, requiring that counsel confer before such motions are filed. *See* RCFC 7.3(a).

IT IS SO ORDERED.

s/ Victor J. Wolski

VICTOR J. WOLSKI

Senior Judge